

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

WILLIAM DOUGLAS MATLOCK,)
Plaintiff,)
v.) No.:3:13-CV-420-PLR-HBG
OCWEN LOAN SERVICING, LLC,)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation filed by United States Magistrate Judge, H. Bruce Guyton [R. 31]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived.

See 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the Magistrate Judge's conclusions that the parties' motions to dismiss [R. 24, 28] be granted to the extent that this action shall be dismissed, without prejudice, and that prior to the filing of any new action based on the claims presented herein, that plaintiff pay defendant \$3000 attorney's fees, and \$500 for court reporter fees reasonably incurred in litigating the discovery disputes in this case.

Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the Court adopts and incorporates into its ruling, that:

1. This action shall be **DISMISSED, but without prejudice**. The trial scheduled for March 3, 2015 is **CANCELLED**.
2. As a prerequisite to refiling any action based on the claims presented herein, plaintiff shall pay to defendant \$3000 in attorney's fees. and \$500 in court reporter costs incurred due to plaintiff's failure to cooperate in discovery in this case.
3. Defendant's motion in limine [R. 26] is **DENIED as moot**.

Enter:



Pamela J. Gevers
UNITED STATES DISTRICT JUDGE